

EXHIBIT A

Dr. Marcus Kitchens, Jr. v. National Board of Medical Examiners
Case No. 2:22-cv-03301-JFM

Joint Exhibit Designations

The following are designations made by both parties of exhibits they may present at trial. In designating an exhibit, neither party concedes any evidentiary objections to the introduction or use of any exhibit listed below by either party, which will depend, among other things, on any proposed use of the exhibit at trial.

Exhibit Number	Document Marking	Document Description
	Kitchens001206	Hamilton County Schools Transcript (Grades 1-5)
	Kitchens001207	Hamilton County Schools Transcript (Grades 6-8)
	Kitchens001204-1205	Hamilton County Schools Transcript (Grades 8-12)
	NBMEBEREA0001-0003	Berea College Transcript
	Kitchens001199-1202 ECFMG0047-50	Medical University of Lublin Transcript
	Kitchens001080-1081	Capella University Transcript
	NBME000061 - 000078	NBME 2023 Training Guide Disability Assessment Analyst
	NBME000160 - 000194	USMLE 2022 Bulletin of Information
	NBME000273 - 000276 Kitchens1057-1060	USMLE Step 1 Score Report for Feb. 25, 2022

Exhibit Number	Document Marking	Document Description
	NBME000277 - 000280 Kitchens1061-1076	USMLE Step 1 Score Report for May 9, 2022
	NBME000281- 000284 Kitchens1073-1076	USMLE Step 1 Score Report for Sept. 29, 2022
	NBME000285- 000288 Kitchens1065-1068	USMLE Step 2 CK Score Report for May 28, 2022
	NBME000289- 000292 Kitchens1069-1072	USMLE Step 2 CK Score Report for June 29, 2022
	NBME000293	Timing Review for Feb. 25, 2022 Step 1 Exam
	NBME000294	Timing Review for May 9, 2022 Step 1 Exam
	NBME000295	Timing Review for May 28, 2022 Step 2 Exam
	NBME000296	Timing Review for June 29, 2022 Step 2 Exam
	NBME000297	Timing Review for Sept 29, 2022 Step 1 Exam
	NBME000317- 000322 NBME000379- 000385 (w/out examinee ID)	Outcome File, Feb. 25, 2022 Step 1
	NBME000323 - 000328 NBME000386-392 (w/out examinee ID)	Outcome File, May 9, 2022 Step 1

Exhibit Number	Document Marking	Document Description
	NBME000329 - 000334 NBME000393-399 (w/out examinee ID)	Outcome File, Sept. 9, 2022 Step 1
	NBME000335 - 000341 NBME000400-406 (w/out examinee ID)	Outcome File, May 28, 2022 Step 2 CK
	NBME000342 - 000348 NBME000407-413 (w/out examinee ID)	Outcome File, June 29, 2022 Step 2 CK
	NBME000349 - 000350	Composite Committee Actions Regarding Expunged Records
	Dkt. 25 (pp. 130-163)	FSMB, State Specific Requirements for Initial Medical Licensure

Dr. Kitchens Exhibit Designations

The following are Plaintiff's designations of exhibits it may introduce at trial. In designating an exhibit, Dr. Kitchens does not concede any evidentiary objections to the introduction of, or use of, any exhibit listed below by Defendant NBME, which will depend, among other things, on any proposed use of the Exhibit at trial.

This list may be subject to change pursuant to the Court's Order dated May 5, 2023 requiring Defendant NBME respond to Plaintiff's Motion to Compel by May 9, 2023.

EXHIBIT CHART	
Number	Exhibit
	D.E. 15 First Amended Complaint
	D.E. 20.1 Declaration of Dr. Kitchens
	D.E. 25 40-44 Declaration of Missie King
	Kitchens9-15 Retake Policy MUL
	Kitchens1042 – 1056 Application for Accommodations dated 10/31/2021
	Kitchens1057 February 25, 2022 Step 1 Score Report
	Kitchens1061 May 9, 2022 Step 1 Score Report
	Kitchens1065 May 28, 2022 Step 2 Score Report
	Kitchens1069 June 29, 2022 Step 2 Score Report
	Kitchens1073 September 29, 2022 Step 1 Score Report
	Kitchens1078-1079 Amazon Screenshot
	Kitchens1080-1081 Capella Transcript
	Kitchens1082 Berea College Disability Services Progress Note
	Kitchens1083-1101 Berea College-White House Clinic Medical Records
	Kitchens1108-1128 Baptist Health Medical Records
	Kitchens1135-1190 Baptist Health Medical Records
	Kitchens1191 MUL Dean's Letter
	Kitchens1199-1202 Official Transcript MUL (English)
	Kitchens1204-1205 High School Report Card
	Kitchens1206 Elementary School Report Card
	Kitchens1207 Middle School Report Card
	Kitchens1208-1209 SAIL Program
	NBMEWHC14-28 White House Clinic Medical Records
	NBMEWHC49-58 White House Clinic Medical Records
	NBMEWHC60-62 White House Clinic Medical Records
	NBMEBEREA1-3 Berea College Transcript
	NBMEBEREA6 KASPER Report
	NBMEBEREA8 KASPER Report
	NBMEBEREA10-24 Berea College Health Services Medical Records
	NBMEBACON5 ADHD Assessment Questionnaire
	NBMEBACON22-26 Peace of Mind Medical Records
	NBMEBACON28-35 Connors CPT-3
	NBMEBACON37-49 MOXO Report
	NBMEBACON51-67 DIVA-2 Interview Report
	NBMEBACON70-81 ABCL Scale Scores
	NBMEBACON82-89 ADHD Assessment
	NBMEBACON204-207 Bacon Curriculum Vitae
	NBME61-77 NBME Disability Assessment Analyst Training Guide

	NBME82-83 Disability Assessment Analyst I
	NBME85-86 Disability Assessment Analyst II
	NBME88-90 Disability Services Specialist
	NBME105-106 What to Submit
	NBME113-114 Evaluation Report
	NBME118-119 Relevant Objective Records
	NBME154-159 Blank Application Form
	NBME170 Quick Facts: Scoring and Score Reporting
	NBME171 Quick Facts: Irregular Behavior
	NBME172 Mission Statement
	NBME186-191 Scoring and Score Reporting
	NBME210 CBSE Score 12/10/2020
	NBME216-217 Accommodation Rejection Letter
	NBME218-231 Accommodation Application dated 8/30/22
	NBME238-239 TAR Report
	NBME243 TAR Report
	NBME258 TAR Report
	NBME260 TAR Report
	NBME270 CBSSA Report 2/14/2022
	NBME293-297 Timing Review
	NBME317-348 Exam Answers Chart
	NBME349-350 Composite Committee Actions Regarding Expunged Records
	Affidavit Dr. Hanna
	ADHD DSM-5
	MCAT Score 4/5/2014
	D.E. 25 MK112-113 University of Tennessee Knoxville Residency Criteria
	D.E. 25 MK120-123 University of Kentucky Residency Criteria
	D.E. 25 MK126-127 University of Colorado Boulder Residency Criteria
	D.E. 25 MK132 FSMB State Specific Requirements for Initial Medical Licensure
	D.E. 25 MK139 FSMB State Specific Requirements for Initial Medical Licensure
	D.E. 25 MK156 FSMB State Specific Requirements for Initial Medical Licensure
	D.E. 25 MK130-163 FSMB State Specific Requirements for Initial Medical Licensure
	D.E. 28 MK13 CBSSA 3/21/22
	D.E. 28 MK15 CBSSA 4/1/22
	CBSSA 3/3/23
	D.E. 28 MK48-49 Example Questions
	D.E. 28 MK41-59 COVID-19 and Prometric Test Center Closures
	Defendant's Answers to Interrogatories
	Defendant's Responses to Requests for Production of Documents

Dr. Marcus Kitchens, Jr. v. National Board of Medical Examiners
Case No. 2:22-cv-03301-JFM

NBME Exhibit Designations

The following are NBME's designations of exhibits it may possibly introduce at trial. In designating an exhibit, NBME does not concede any evidentiary objections to the introduction or use of any exhibit listed below by Plaintiff, which will depend, among other things, on any proposed use of the exhibit at trial.

Exhibit Number	Document Marking	Document Description
	Dkt. 1	Complaint (8/16/2022)
	Dkt. 15	First Amended Complaint and Exhibits (1/18/2023)
	Dkt. 20-1	Declaration of Dr. Marcus Kitchens in Support of Plaintiff's Motion for Preliminary Injunction
	Dkt. 25 (pp. 40-44)	Declaration of Missie King in Support of Plaintiff's Motion for Preliminary Injunction
	Dkt. 25 (pp. 57-64)	Connors CPT3
	Dkt. 22 (pp. 3-10)	Ex. 1 to Plaintiff's Motion for Preliminary Injunction Peace of Mind Counseling Report
	Dkt. 22 (pp. 11-28)	Exhibit 2 to Plaintiff's Motion for Preliminary Injunction - White House Clinics Medical Records
	NBMEBEREA0009 Kitchens001082	Berea College Disability Services Progress Note from Jan. 10, 2013
	NBMEBEREA0012 - 0013 Kitchens001083	Berea College Health Services Record from Jan. 11, 2013

Exhibit Number	Document Marking	Document Description
	NBMEBEREA0014 Kitchens001084	Berea College Health Services Record from Feb. 7, 2013
	NBMEBEREA0016 - 0017 Kitchens001085	Berea College Health Services Record from Aug. 5, 2013
	NBMEBEREA0018 - 0019	Berea College Health Services Record from Sept. 5, 2013
	NBMEBEREA0024 - 0026	Berea College Health Services Record from June 19, 2014
	NBMEWHC0012	White House Clinics List of Services
	NBMEWHC0025-0028 Kitchens001087-1090	White House Clinics Medical Records July 8, 2014 - Visit with Colleen Ambrose APRN
	NBMEWHC0021 - 0024 Kitchens001091-1094	White House Clinics Medical Records February 15, 2016 - Visit with Vicki Hackman, MD
	NBMEWHC0018 - 0020 Kitchens001095-1097	White House Clinics Medical Records July 26, 2017 - Visit with Vicki Hackman, MD
	NBMEWHC0014-0017 Kitchens001098-1101	White House Clinics Medical Records May 25, 2018 - Visit with Vicki Hackman, MD
	Kitchens001102	April 22, 2020 Letter from Ghori S. Khan, MD

Exhibit Number	Document Marking	Document Description
	Kitchens001110-1113	August 5, 2021 Progress Notes from Arthur G. Yin
	Kitchens001114-1117	February 10, 2022 Progress Notes from Arthur G. Yin
	Kitchens001118-1119	February 11, 2022 After Visit Summary from Arthur G. Yin
	Kitchens001120-1123	April 28, 2022 Progress Notes from Arthur G. Yin
	Kitchens001135-1141	August 25, 2022 Progress Notes from Tina Holbrook
	Kitchens001142-1149	September 22, 2022 Progress Notes from Tina Holbrook
	Kitchens001150-1155	November 14, 2022 Progress Notes from Tina Holbrook
	Kitchens001156-1157	November 16, 2022 After Visit Summary from Arthur G. Yin
	Kitchens001162-1167	January 10, 2023 Progress Notes from Tina Holbrook
	Kitchens001168-1169	February 3, 2023 After Visit Summary from Tina Holbrook
	Kitchens001170-1171	February 3, 2023 After Visit Summary from Tina Holbrook
	Kitchens001172 - 001178	February 6, 2023 Progress Notes from Tina Holbrook
	Kitchens001183 - 001188	March 24, 2023 Progress Notes from Kristine Baula
	NBMEBAPT00001-0026	March 24, 2023 Office Visit Records

Exhibit Number	Document Marking	Document Description
	NBMEBAPT0027 - 0038	March 21, 2023 Refill Request Records
	NBMEBAPT0039 - 0118	February 6, 2023, Telephone Records
	NBMEBAPT0119-129	February 2, 2023 Telephone Records
	NBMEBAPT0130 - 0152	January 10, 2023 Telemedicine Records
	NBMEBAPT0153 - 0176	November 14, 2022 Telemedicine Records
	NBMEBAPT0177-0188	November 9, 2022 Refill Records
	NBMEBAPT0189 - 0222	September 22, 2022 Office Visit Records
	NBMEBAPT0223 - 0261	August 25, 2022 Office Visit Records
	Kitchens001206	Hamilton County Schools Transcript (Grades 1-5)
	Kitchens001207	Hamilton County Schools Transcript (Grades 6-8)
	Kitchens001204-1205	Hamilton County Schools Transcript (Grades 8-12)
	NBMEBEREA0001-0003	Berea College Transcript
	Kitchens001199-1202 ECFMG0047-50	Medical University of Lublin Transcript
	Kitchens001080-1081	Capella University Transcript

Exhibit Number	Document Marking	Document Description
	NBMEBACON0001	Declaration of Authenticity by Christina Bacon, LLP
	NBMEBACON0005	Peace of Mind Counseling, ADHD Assessment Questionnaire
	NBMEBACON0026	Peace of Mind, Psychological Evaluation, February 7, 2023
	NBMEBACON0028 - 0035	Conners CPT 3, Continuous Performance Test 3rd Edition
	NBMEBACON0037	Peace of Mind Counseling, Psychological Evaluation, February 8, 2023
	NBMEBACON0039 - 0044	Scale Scores, February 6, 2023 (Amelia Kitchens)
	NBMEBACON0045 - 0044	Moxo d-CPT Report, Computerized ADHD Evaluation, August 2, 2023
	NBMEBACON0051 - 0069	DIVA 2.0, Diagnostic Interview for ADHD in Adults
	NBMEBACON0070 - 0075	Scale Scores, February 6, 2023 (Markcus Kitchens)
	NBMEBACON0076 - 0081	Scale Scores, February 6, 2023 (Missie King)
	NBMEBACON0127	Peace of Mind Counseling, Reasoning for not using ASEBA
	NBMEBACON0147-154	Report of ADHD Evaluation
	NBME000306	Moxo CPT Demo Video
	NBME000030 - 000035	CV for Lucia C. McGeehan, Ph.D, NCSP

Exhibit Number	Document Marking	Document Description
	NBME000036-000043	CV for Daniel Jurich, Ph.D.
	NBME000016-000029	CV for Timothy S. Allen, M.D.
	NBME000001 - 000014	CV for Michael Gordon, Ph.D.
	NBME000044 - 000060	USMLE: General Overview, March 24, 2023
	NBME000061 - 000078	NBME 2023 Training Guide Disability Assessment Analyst
	NBME000160 - 000194	USMLE 2022 Bulletin of Information
	Dkt. 26-2 (pp. 2-6)	USMLE Website, Test Accommodations
	NBME000351-378	USMLE Website, General Guidelines to Request Test Accommodations
	Dkt. 26-14 (p. 2)	Certification of Prior Test Accommodations Form
	NBME000195 - 000213	January 2022 Request for Test Accommodations and documents
	NBME000214 - 000215	Jan. 8, 2022 Email from Marcus Kitchens to NBME Disability Services ; January 6, 2022 email from Disability Services to Marcus Kitchens
	NBME000216 - 000217	February 8, 2022 letter from NBME
	NBME000218 - 000231	August 2022 Request for Test Accommodations and documents
	NBME000233	Jan. 5, 2022 Email from Marcus Kitchens to NBME Disability Services

Exhibit Number	Document Marking	Document Description
	NBME000234 - 000235	Jan. 5, 2022 Email from NBME Disability Services to Marcus Kitchens
	NBME000236 - 000237	Jan. 5, 2022 Email from Marcus Kitchens to NBME Disability Services
	NBME000238	Jan. 6, 2022 Email from NBME Disability Services to Marcus Kitchens
	NBME000239 - 000240	Jan. 8, 2022 Email from Marcus Kitchens to NBME Disability Services
	NBME000243 - 000245	Jan. 10, 2022 Email from NBME Disability Services to Marcus Kitchens
	NBME000255	Feb. 9, 2022 Email from NBME Disability Services to Marcus Kitchens
	NBME000257	Aug. 22, 2022 Email from NBME Disability Services to Marcus Kitchens
	NBME000258 - 000259	Aug. 30, 2022 Email from NBME Disability Services to Marcus Kitchens
	NBME000260 - 000261 (Dkt. 26-18 pp. 2-3)	Aug. 30, 2022 Email from Marcus Kitchens to NBME Disability Services
	NBME000262	Aug. 31, 2022 Email from NBME Disability Services to Marcus Kitchens
	NBME000263 - 000264 (Dkt. 26-19 pp. 2-3)	Sept. 2, 2022 Email from NBME Disability Services to Marcus Kitchens
	NBME000265 - 000266 (Dkt. 26-20 pp. 2-3)	Sept. 7, 2022 Email from Marcus Kitchens to NBME Disability Services

Exhibit Number	Document Marking	Document Description
	NBME000267	Sept. 8, 2022 Email from NBME Disability Services to Markcus Kitchens
	NBME000273 - 000276	USMLE Step 1 Score Report for Feb. 25, 2022
	NBME000277 - 000280	USMLE Step 1 Score Report for May 9, 2022
	NBME000281- 000284	USMLE Step 1 Score Report for Sept. 29, 2022
	NBME000285- 000288	USMLE Step 2 CK Score Report for May 28, 2022
	NBME000289- 000292	USMLE Step 2 CK Score Report for June 29, 2022
	NBME000293	Timing Review for Feb. 25, 2022 Step 1 Exam
	NBME000294	Timing Review for May 9, 2022 Step 1 Exam
	NBME000295	Timing Review for May 28, 2022 Step 2 Exam
	NBME000296	Timing Review for June 29, 2022 Step 2 Exam
	NBME000297	Timing Review for Sept 29, 2022 Step 1 Exam
	NBME000317- 000322 NBME000379- 000385 (w/out examinee ID)	Outcome File, Feb. 25, 2022 Step 1
	NBME000323 - 000328 NBME000386-392 (w/out examinee ID)	Outcome File, May 9, 2022 Step 1

Exhibit Number	Document Marking	Document Description
	NBME000329 - 000334 NBME000393-399 (w/out examinee ID)	Outcome File, Sept. 9, 2022 Step 1
	NBME000335 - 000341 NBME000400-406 (w/out examinee ID)	Outcome File, May 28, 2022 Step 2 CK
	NBME000342 - 000348 NBME000407-413 (w/out examinee ID)	Outcome File, June 29, 2022 Step 2 CK
	NBME000349 - 000350	Composite Committee Actions Regarding Expunged Records
	NBMEECFMG0051 - 0055	Nov. 9, 2021 Email from ECFMG to Marcus Kitchens; October 22, 2021 email from Marcus Kitchens to ECFMG
	NBMEECFMG0056-0057	Nov. 9, 2021 emails between Marcus Kitchens and ECFMG
	NBMEECFMG0061-64	November-December 2021 emails between Marcus Kitchens and ECFMG
	NBME000268 - 000270	March 11, 2022 Letter from Amelia Kitchens, Esq. of Regard Law Group to NBME
	NBME000271	March 17, 2022 Letter from NBME to Amelia Kitchens, Esq.
	NBMEECFMG0073 - 0076	Mar. 22, 2022 Email from ECFMG to Marcus Kitchens

Exhibit Number	Document Marking	Document Description
	NBMEECFMG0090 - 0091	Sept. 21, 2022 Email from Score Recheck ECFMG to Markcus Kitchens
	NBME000272	October 3, 2022 Letter from Amelia Kitchens, Esq. to Educational Commission for Foreign Medical Graduates
	NBMEECFMG0092 - 0093	Oct. 5, 2022 Email from Amelia Kitchens, Esq. and attached letter dated October 3, 2022
	NBMEECFMG0019	ECFMG Applicant Call Log
	NBMEECFMG0094	Declaration of Authenticity by Francine Halushka Kayz
	NBME000298	CXONE Recording, Provided on February 22, 2023
	Dkt. 26-29 (pp. 2-5)	Informal Transcript of Dr. Markcus Kitchens September 30, 2022 call to NBME
	NBME000299-000305	ECFMG Update on Pathways: Important Information for 2023 Applicants; Using the Pathways for the 2024 Match
	Dkt. 26-23 (pp. 2-3)	How to Apply for Residency Positions
	Kitchens001203	Residency Personal Statement Draft
	Dkt. 26-25 (pp. 2-4)	Register for MyERAS for Residency
	Dkt. 26-28 (pp. 2-3)	2023 Main Residency Match Applicants Calendar
	Dkt. 28 (p. 41)	Notice Regarding COVID-19 and Prometric Test Center Closures
	Dkt. 28 (p. 42)	Prometric Extends Testing Sites Closures Due to Coronavirus
	Dkt. 25 (pp. 130-163)	FSMB, State Specific Requirements for Initial Medical Licensure

Exhibit Number	Document Marking	Document Description
		Plaintiff's Responses to Defendant's Requests for Admissions
		Plaintiff's Answers to Defendant's Interrogatories
		Plaintiff's Responses to Defendant's Requests for Production of Documents